THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.26290 of 2007

Dated: 10.12.2007

Between

Ganta Venkata Subba Reddy

…Petitioner

And

Tahsildar/Mandal Revenue Officer,
Kanchikacherla Mandal, Kanchikacherla,
Krishna District and another.

…Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.26290 of 2007

ORDER:

This writ petition is filed seeking a writ of *mandamus* declaring the inaction of the second respondent in passing orders either on the leave application or stay application filed along with the appeal dated 01.12.2007 assailing the correctness of the proceedings of the first respondent in Rc.B.141/07 dated 24.05.2007, as arbitrary and violative of Article 14 of the Constitution of India and consequently to suspend the operation of the proceedings of the first respondent made in Rc.B 141/07 dated 24.05.2007.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondents.

The petitioner claims to be the owner and possessor of land admeasuring Ac.2.50 cents covered by R.S.No.212/2B of Gani Atkuru Village, Kanchikacherla Mandal, Krishna District. He claims to have purchased the said property from its earlier owner and possessor Sri Aziz by registered sale deed, bearing document No.818/2004, dated 21.04.2004. However, the Tahsildar, Kanchikacherla Mandal has passed order of eviction, dated 24.05.2007 in Proceedings Rc.B.141/07 in exercise of powers under Sub-Section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. As against the said order, the petitioner filed appeal, dated 01.12.2007, and presented the same in the office of the second respondent on 05.12.2007.

It is the case of the petitioner that he is the *bona fide* purchaser

of the land for valuable consideration by registered sale deed, dated 21.04.2004. In spite of the same, the first respondent, without issuing any notice to him, passed order of eviction on 24.05.2007. It is submitted that by passing the said order of eviction against the vendor of the petitioner, steps have been taken to dispossess the petitioner. Since the petitioner has already preferred an appeal against the order of the first respondent, it is for the second respondent-appellate authority to consider about the validity of the said order.

Since it is stated that the petitioner has purchased the land in question on 21.04.2004 by way of registered sale deed, and the appeal filed by him against the order of eviction, dated 24.05.2007, is pending consideration before the second respondent-appellate authority, I dispose of the writ petition at the stage of admission, directing the second respondent to dispose of the appeal preferred by the petitioner as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. It is further directed that the first respondent shall not enforce the order of eviction, dated 24.05.2007, passed in Proceedings No.Rc.B.141/07, for eviction of the petitioner from the land in question i.e., Ac.2.50 cents situated in R.S.No.212/2B of Gani Atkuru Village, Kanchikacherla Mandal, till disposal of the appeal.

Subject to the above directions, the writ petition is disposed of. There shall be no order as to costs.

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R.SUBHASH REDDY,J

Date: 10.12.2007
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